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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/808,551      | 03/25/2004  | Yasushi Yatsuda      | ST3001-0039         | 4915             |

39083 7590 07/27/2006  
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EXAMINER

DUNWIDDIE, MEGHAN K

ART UNIT PAPER NUMBER

2875

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/808,551

Applicant(s)

YATSUDA ET AL.

Examiner

Meghan K. Dunwiddie

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 16 and 24 is/are rejected.
- 7) ☒ Claim(s) 5-15, 17-23, 25 and 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/12/06 &amp; 7/14/06</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on July 12, 2006 has been entered.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on July 12, 2006 and July 14, 2006 are in compliance with the provisions of 37 CFR 1.97, and accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1, 4, 16, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by **Tatsuya** (JP 2002-289926).

5. In reference to Claim 1, **Tatsuya** shows a light source device, comprising:

- A base having an upper surface and a cavity located at the upper surface [Figure 6: (2 and 23)];
- An LED chip located adjacent the cavity of the base [Figure 6: (17)];
- A resin portion located adjacent the LED chip [Figure 6: (19)];
- An optical member disposed above the base and apart from the LED chip and having an inner surface [Figure 6: (4)];
- A light shielding portion disposed on the inner surface of the optical member and configured to form a cutoff suited for a light distribution pattern [See Claim 2 and paragraph [0044] lines 2-4];
- And a fluorescent substance layer disposed at least in a region other than the light-shielding portion on the inner surface of the optical member [Figure 6: (6)].

6. In reference to Claim 4, **Tatsuya** shows:

- The optical member is a lens [Figure 6: (4)].

7. In reference to Claim 16, **Tatsuya** shows:

- The fluorescent substance layer is formed in thin film form [Figure 6: (6)].

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8. In reference to Claim 24, **Tatsuya** shows:

- A projection lens disposed adjacent the light source device and having a focus located in the vicinity of the light shielding portion, wherein the projection lens is configured to irradiate emission light forward in a shape defined by the light shielding portion [See Claim 2 and paragraph [0044] lines 2-4 in reference to Figure 6: (6, 17)].

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tatsuya** (JP 2002-289926) in view of **Takekuma** (US 6850001).

11. Regarding Claim 2, **Tatsuya** shows the claimed invention as cited above, but does not specifically teach the base includes a heat-radiating core.

12. **Takekuma** teaches:

- The base includes a heat-radiating core [See column 3 lines 36-41].

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13. It would have been obvious for one of ordinary skill in the art, at the time of the invention to provide the light source device of **Tatsuya** with a base having a heat radiating core as taught by **Takekuma** for the purpose and advantage of guaranteeing the stability of the light source device.

14. Regarding Claim 3, **Tatsuya** shows the claimed invention as cited above, but does not specifically teach the base is formed from a ceramic material.

15. **Takekuma** teaches:

- The base is formed from a ceramic material [See column 3 lines 15-16 in reference to Figure 1: (30)].

16. It would have been obvious for one of ordinary skill in the art, at the time of the invention to provide the light source device of **Tatsuya** with a ceramic base as taught by **Takekuma** for the purpose and advantage of providing a more cost effective manufacturing process of the light source device.

***Allowable Subject Matter***

17. Claims 5-15, 17-23, 25, and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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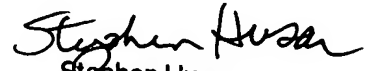
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meghan K. Dunwiddie whose telephone number is (571) 272-8543. The examiner can normally be reached on Monday through Friday 8 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571)272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MKD

  
Stephen Husar  
Primary Examiner